Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

No claims have been canceled, and no claims have been added. Claims 2 and 13 have been amended to correct the informalities cited in item 1 of the Office Action. Consequently, claims 1-38 are currently pending and under consideration.

The following discussion has been provided to provide some background information for the discussion below. As should be appreciated from reviewing the present application, the invention described therein generally concerns a technique and system in which the movement of a lenticular display is controlled only by drive signals generated from audio message sound signals. By allowing the audio message to generate the drive signals for moving the display, apparent synchronization can be achieved between movement on the display and the audio message. As the drive signals are generated from the audio message, the animated movement sequence of the display can be repeated as often as required to ensure synchronization for the duration of the audio message. The display need not be provided with a movement sequence in a form that matches the length of the audio message, because the drive signal is provided by the audio message, and the display is simply moved in response to the drive signal at each instant. As a result, the movement sequence on the display does not need to have the same length as the audio message. This allows the display to be made more inexpensively and also means that the length of the movement sequence on the display does not limit the length of audio message that can be used. In particular, as the drive signals are generated from the audio message, the animated movement sequence of the display can be repeated as often as required to ensure synchronization for the duration of the audio message. Synchronization is therefore achieved at all times as movement of the display only occurs in response to a drive signal from the audio message.

In item 3 of the Office Action, independent claim 1 was "rejected under 35 U.S.C. 102 (b) as being anticipated by Morton , US #6,078,424." It is well settled law that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See, Manual of Patent Examining Procedure (MPEP) §2131. It is not sufficient that the prior art reference disclose all of the elements in isolation. Rather, "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinefabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984, emphasis added). The Examiner has the burden of presenting a prima facie case of anticipation. In re King, 801 F.2d 1324, 1327, 231 USPQ 136, 138-39 (Fed. Cir. 1986); In re Skinner, 2 USPQ2d 1788, 1788-89 (B.P.A.I. 1986). In the present application, it is submitted that the Examiner has failed to meet this burden to establish a prima facie case of anticipation.

For example, Morton fails to disclose "deriving a drive signal from said sound signal either in real time or prior to delivery of said sound signal to said sound generating means and delivering said drive signal to said drive mechanism to cause movement of said lenticular image" as recited in claim 1. In Morton, the drive signals to control the movement of the visual display are not generated as a result of the audio message, but instead the movement of the display activates the audio reproduction device 80, which is the reverse of the recited invention. It is quite clear from reading Morton in column 7, lines 36-52 that the motor 76, via shaft 74, is used to drive a cam 72, which in turn causes the movement of the display over a given time, and it is the cam 72 that controls the movement of the display. As depicted in FIG. 8 of Morton, a shaft encoder assembly 78 generates signals indicative of the movement of the cam 72

that moves the image bearing member 14 relative to the screen 10. In turn, this movement of the cam 72 causes the generation of signals indicative of the movement of the shaft 74 to ensure that synchronization is achieved with the audio reproduction device 80. "The signal generated by the shaft encoder 78 is sent to an audio reproduction device 80 shown in FIG. 9, which begins audio reproduction in accordance with one of the methods described above." Morton, col. 7, lines 42-45 (emphasis added). It should be appreciated that the movement of visual display in Morton causes the audio message to start at the same time, via the shaft encoder assembly 78. Morton further suggests using separate timing signals from the audio unit 80 "to ensure that the sound remains synchronized with the motion once the movement has started." Morton col. 7 lines 54-56. However, the movement of the visual display in Morton does not depend on the generation of these timing signals, but rather, these timing signals are generated during the operation of the display to check for synchronization between the display and the audio unit 80, after the display is moving. It is therefore only the technique described in the current application, which allows the generation of drive signals from the audio message to fully control the movement of the display.

As another example, Morton further fails to disclose "wherein the animation sequence viewable during the motion of the lenticular image is repeated a number of times and for varying periods of time determined by the drive signal during the time that the single sound sample is reproduced by the sound generating means to give the appearance that the animation sequence is of the same duration as the sound sample and that said animation sequence is synchronised with the sound sample" as recited in claim 1. Specifically, Morton does not, contrary to the Office Action's assertion, disclose the repeat movement sequence of the display when used in conjunction with an audio message. It is only in the current application that there is disclosed the provision of a visual display movement sequence which is repeated and in synchronization during the playing of an audio message so that the movement sequence does not need to be the same length as the audio message. This allows the

display to be made more inexpensively and also means that the length of movement sequence which can be achieved does not act as a limitation on the length of audio message which can be provided. This renders the invention practically and commercially implementable. For this and other reasons, it is submitted that independent claim 1 and its dependent claims are allowable over the references of record.

In item 3, independent claim 14 was "rejected under 35 U.S.C. 102 (b) as being anticipated by Morton , US #6,078,424." In traversal, it is submitted that Morton fails to disclose all of the features recited in claim 14. For instance, Morton fails to disclose "said lenticular image being displaced by a drive mechanism actuated in response to a drive signal to allow an observer to see the animation sequence, said drive signal being derived manually or electronically from said sound signal in real time or prior to the delivery of said sound signal to the sound generation means" as recited in claim 14. As discussed above, the movement of the visual display in Morton is not generated as a result of the audio message, but instead the movement of the display activates the audio reproduction device 80, which is the reverse of the recited feature. Moreover, Morton fails to disclose "wherein in that the animation sequence viewable during the motion of the lenticular image is repeated a number of times and for varying periods of time determined by the drive signal during the time that the single sound sample is reproduced by the sound generating means to give the appearance that the animation sequence is of the same duration as the sound sample and that said animation sequence is synchronised with the sound sample" as recited in claim 14. As previously mentioned, Morton does not disclose the repeat movement sequence of the display when used in conjunction with an audio message. For this and other reasons, it is submitted that independent claim 14 and its dependent claims are allowable over the references of record.

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office

Action, but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion.

In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early notice of allowance is earnestly solicited. If after reviewing this amendment the Examiner feels that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the applicant's undersigned representative by telephone to resolve such issues.

Respectfully submitted,

DRAFT

By_____

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Proposed Claim Amendment for Discussion at the Interview

1. (Currently amended): A method for operating a novelty device having a lenticular image selectively caused to move by a drive mechanism and associated sound generating means both of which are controlled by electronics, the movement of said lenticular image allowing the viewing of a plurality of discreet images consecutively which together make up an animation sequence and the method allowing the novelty device to give the appearance that the sound emitted thereby is synchronised to the animation, said method including the steps of delivering a sound signal representative of a sound sample of a predetermined duration to the sound generating means which reproduce said sound sample, deriving a drive signal from said sound signal either in real time or prior to delivery of said sound signal to said sound generating means and delivering said drive signal to said drive mechanism to cause movement of said lenticular image, wherein

the animation sequence viewable during the motion of the lenticular image is repeated a number of times and for varying periods of time determined by the drive signal during the time that the single sound sample is reproduced by the sound generating means ~~to give the appearance~~ such that the animation ~~sequence~~ is of the same duration as the sound sample and that said animation sequence is synchronised with the sound sample and wherein the duration of each repetition of the animation sequence is dependent upon the frequency of movement determined by the drive signals which are generated during each particular repetition and the length of each said repetition varies between successive repetitions during the playback of the sound sample.